

REMARKS

I. Introduction

In response to the Office Action dated September 20, 2007, Applicants have amended claims 1, 5, 9 and 11, and canceled claims 2, 3, 6, 7, 13, 14, 16, and 17. Claims 18-40 are newly added. Care has been taken to avoid the introduction of new matter. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

II. Claim Rejections – 35 U.S.C. §103

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pleso (U.S. Patent No. 6,009,480) and the Yarra publication. Applicants traverse these rejections for at least the following reasons.

Claim 1 recites, among other things, a method of installing a software program in a host device, wherein said software program is an application for executing a functional operation associated with an operation of said peripheral device. At least this feature is not disclosed or suggested by the cited references, alone or in combination with each other.

With respect to now canceled claim 3, the Examiner cited column 3, lines 18 – 31 of Pleso as allegedly disclosing that said software program is an application for executing a functional operation associated with an operation of said peripheral device. However, as the Examiner acknowledges, Pleso discloses a method for installing a peripheral device driver to a computer system. It is well known that a driver and an application are different types of software programs. Thus, Pleso's disclosure of downloading a device driver does not include downloading an application. The Pleso disclosure even describes the difference between an

device driver and an application program. Column 1, lines 29 - 32 of Pleso recite that “device drivers are software modules including processing logic for controlling the low level or device specific components of a particular computer system resource.” Pleso further recites that “an application program may request the operating system to read a file stored on a disk drive. The operating system would invoke a device driver provided for the disk driver and send the device driver this read request. … The device driver would then inform the application program that the request has been serviced.” (column 1, lines 43 – 54).

Clearly, a device driver and an application program are not the same. Pleso is concerned only with a method of retrieving a driver program from a peripheral device. Only Applicants have discovered the ability to install an application in the method recited in claim 1. Yarra, which the Examiner relies on solely for the alleged disclosure of using the OTG specification, also fails to disclose installing an application as recited in claim 1.

Accordingly, as each and every limitation must be disclosed or suggested by the prior art references in order to establish a *prima facie* case of obviousness (MPEP § 2143.03), and none of the cited references, alone or in combination with each other, disclose or even suggest at least the features recited above, it is respectfully submitted that independent claim 1 is patentable over the cited references.

Independent claims 5, 9, 11, 27, and 34 each include a feature similar to the above-described feature of claim 1. Thus, these claims are patentable over the cited references for at least the same reasons provided above in reference to claim 1.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are

contained in the dependent claims, *Harness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as the independent claims are patentable for at least the reasons set forth above, it is respectfully submitted that all dependent claims are also in condition for allowance. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

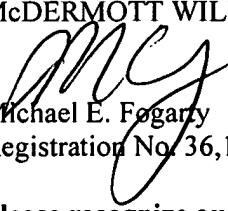
III. Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF:DAB:mjb
Facsimile: 202.756.8087
Date: December 20, 2007
WDC99 1504680-1.043890.0544

**Please recognize our Customer No. 53080 as
our correspondence address.**